

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

HOWARD J. MCLEMORE,

Debtor,

BANK OF AMERICA, N.A.,

Secured Mortgage Creditor,

vs.

HOWARD J. MCLEMORE and

HENRY E. HILDEBRAND, III, Trustee,

Respondents.

BK. NO. 3:14-09320

JUDGE MASHBURN

CHAPTER 13

OBJECTION TO CONFIRMATION

The Deadline for filing an Objection to Confirmation is: January 6th, 2015

**The Confirmation Hearing of Objection is set for: January 28th, 2015 at 8:30 AM.
Court Room I, Second Floor
Customs House, 701 Broadway
Nashville, TN 37203**

Comes now the Secured Mortgage Creditor, BANK OF AMERICA, N.A., by and through Counsel, and would timely object to confirmation of the Debtor's Chapter 13 Plan on behalf of BANK OF AMERICA, N.A. and would request that this matter be set upon this Honorable Court's Docket for Wednesday, January 28th, 2015, at 8:30 A.M., in

Court Room I, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee 37203 and for grounds would show and state to this Honorable Court as follows:

1. That BANK OF AMERICA, N.A. asserts that the Chapter 13 Debtor herein executed a Note relative to the real property municipally known as 2096 Carters Creek Pike, Franklin, Tennessee 37064.

2. That BANK OF AMERICA, N.A. asserts that the Chapter 13 Debtor herein executed a Deed of Trust which secured the aforementioned Note relative to his residence, the real property municipally known as 2096 Carters Creek Pike, Franklin, Tennessee 37064 and that said Deed of Trust was timely and properly recorded in the Register's Office for Williamson County, Tennessee, thereby timely and properly perfecting the security interest in the subject real property

3. That BANK OF AMERICA, N.A. asserts that it is the true and lawful holder of the mortgage on the residence of the Chapter 13 Debtor herein.

4. That BANK OF AMERICA, N.A. asserts that the Chapter 13 Debtor remains indebted to BANK OF AMERICA, N.A. for the subject real property.

5. That BANK OF AMERICA, N.A. asserts the right to receive adequate protection payments for the residence of the Debtor.

6. That BANK OF AMERICA, N.A. hereby reserves the right to amend this Objection to Confirmation.

**WHEREFORE PREMISES CONSIDERED, BANK OF AMERICA, N.A.
PRAYS:**

1. That this Honorable Court set this Objection to Confirmation upon this Honorable Court's Docket for Hearing on Wednesday, January 28th, 2015, at 8:30 A.M., in Court Room I, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee 37203.

2. That at said Hearing, this Honorable Court grant an Order denying confirmation, dismissing the instant Chapter 13 case or compel the Debtor to amend his proposed plan to provide adequate protection payments to BANK OF AMERICA, N.A.

3. That BANK OF AMERICA, N.A. asserts that it is entitled to recover its reasonable Attorney's fees and costs incurred in the defense of this matter.

4. For such further and general relief to which BANK OF AMERICA, N.A. asserts that it is justly entitled and which this Honorable Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/Duane W. DeVault

DUANE W. DEVAULT B.P.R.#13541

Attorney for Bank of America, N.A.

Post Office Box 387

Hendersonville, TN 37077-0387

(615) 822-7301 Office

(615) 826-0473 Facsimile

duanedevault@att.net

/s/Valerie Ann Spicer
VALERIE ANN SPICER B.P.R. #5743
Weiss, Spicer & Cash, PLLC
Attorney for Bank of America, N.A.
208 Adams Avenue
Memphis, TN 38103-1991
(901) 526-8296 Office
(901) 526-3237 Facsimile
ann@weiss-spicer.com

CERTIFICATE OF SERVICE

I, Duane W. DeVault, Attorney at Law hereby certify that an ECF copy of the foregoing Objection to Confirmation has been forwarded via either facsimile transmission or electronic delivery on this the 29th day of December, 2014 to the following:

Mr. E. Covington Johnston
Johnston & Street
Attorney for Debtor
236 Public Square
Suite 103
Franklin, Tennessee 37064
Fax-(615) 791-1418

Mr. Henry E. Hildebrand, III
Chapter 13 Trustee
Post Office Box 340019
Nashville, TN 37203-0019
Fax-(615) 242-3241

Ms. Beth R. Derrick
Assistant U.S. Trustee
701 Broadway
318 Customs House
Nashville, TN 37203
Fax-(615) 736-2260

/s/Duane W. DeVault
DUANE W. DEVAULT, ATTORNEY